



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/039,932	11/01/2001	Mark S. Buchler	263556US	9943
22850	7590	11/17/2008	EXAMINER	
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C.			BROWN, RUEBEN M	
1940 DUKE STREET			ART UNIT	PAPER NUMBER
ALEXANDRIA, VA 22314			2424	
NOTIFICATION DATE		DELIVERY MODE		
11/17/2008		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patentdocket@oblon.com
oblonpat@oblon.com
jgardner@oblon.com

ADVISORY ACTION

Response to Arguments

1. Applicant's arguments filed 10/15/08 have been fully considered but they are not persuasive. Applicant argues on page 2 that the "JMX communications protocol adapter 313 for adapting communications between the interface and the manageable resources to a protocol specified by the interface...Da Palma does not disclose or suggest that the JMX communications protocol adapter is a Management Bean...On the contrary Da Palma refers to several MBeans and distinguishes them from the JMX communications protocol adapter."

It is noted that applicant does not argue that Da Palma does not teach, the claimed element of '*perform a protocol conversion between a native protocol ...and a management interface protocol used by the management adapter*', but rather, that the JMX adapter is not included within the MBean as disclosed in Fig. 3 of Da Palma.

However, it is pointed out that in light of the KSR ruling, examiner notes that all the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in the respective functions, and the combination would have yielded predictable results to one of ordinary skill in the art at the time of the invention. Even if the JMX communications protocol adapter appears to be separate from the MBean 314 in Da Palma, the instant JMX communications protocol adapter still interfaces

with the MBean 314, since the reference discloses that the MBean can include the set of all necessary information and controls that a management application can operate on the manageable resource, see col. 2, lines 1-10.

Furthermore, it would have been obvious to include the functionality of the JMX communications protocol adapter within the body of the MBean 314, which would achieve the same results, i.e., predictable results. In other words, even if the JMX adapter appears to be software module, separate from the MBean, it would have been obvious to include the functionality of the JMX adapter within the MBean 314 itself.

In view of the above discussion, examiner maintains the Final Rejection mailed,
6/27/2008.

/Chris Kelley/
Supervisory Patent Examiner, Art Unit 2424

Any response to this action should be mailed to:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

or faxed to:

(571) 273-8300, (for formal communications intended for entry)

Or:

(571) 273-7290 (for informal or draft communications, please label
"PROPOSED" or "DRAFT")

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Reuben M. Brown whose telephone number is (571) 272-7290. The examiner can normally be reached on M-F (9:00-6:00), First Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Kelley can be reached on (571) 272-7331. The fax phone numbers for the organization where this application or proceeding is assigned is (571) 273-8300 for regular communications and After Final communications.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Application/Control Number: 10/039,932
Art Unit: 2424

Page 5